

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

CARI R. CONKLIN

Case No. 09 B 30201

Chapter 7

DEBTOR(S),

Judge Kenneth J. Meyers

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES GMAC Mortgage LLC (hereinafter "Creditor"), by and through its attorneys, CODILIS & ASSOCIATES, P.C., and moves this Honorable Court for an Order granting relief from the automatic stay of this proceeding and in support thereof respectfully represents as follows:

1. The Debtor is indebted to this Creditor or servicer for which the movant claims a valid security interest in the property commonly known as 817 Winslow Road, Belleville, IL;
2. This security interest arose from a Note and Mortgage, executed on 9/14/2007, in the amount of \$99,200.00,;
3. The principal balance is due this Creditor or servicer herein on account of said indebtedness as of 2/27/09, was in the amount of \$97,138.03;
4. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. Section 362 of the Bankruptcy Code upon Debtor filing of this petition on 1/29/09;
5. This Creditor is entitled to relief from the automatic stay under 11 U.S.C. 362(d) for the following reasons:
 - a. The Debtor is in default in the performance of the terms and conditions of said Note and Mortgage and are contractually due for the 1/1/09, mortgage payment with a total default as of 3/1/09, in

excess of \$2,972.47, including post-petition attorney fees and costs;

- b. To the best of Creditor's knowledge, no non-exempt equity exists in the subject property or any equity that does exist is so insubstantial as to be of little or no benefit or burdensome to the estate;

6. The approximate value of real estate is \$150,000.00. The basis of this value is the debtor's Schedule A;

7. Movant has incurred attorneys fees and/or costs in connection with this bankruptcy proceeding which have been included in the calculation of any default figures quoted herein subject to court approval, including:

\$550.00	for Preparation of Notice and Motion for Relief from the Automatic Stay, One Court appearance if necessary
\$150.00	for Court filing fee

8. Pursuant to Debtor's filed Statement of Intention, the property known as 817 Winslow Road, Belleville, IL is to be surrendered;

9. The Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Creditor requests this Court so order;

WHEREFORE, GMAC MORTGAGE LLC its principals, agents, successors and/or assigns prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) granting relief from the automatic stay of this proceeding, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated March 5, 2009.

Respectfully Submitted,

By: /s/ Peter C. Bastianen

Berton J. Maley ARDC#6209399
Gloria C. Tsotsos ARDC# 6274279
Jose G. Moreno ARDC#6229900
Rachael A. Stokas ARDC#6276349
Peter C. Bastianen ARDC#6244346
Joel P. Fonferko ARDC#6276490
Maria A. Georgopoulos ARDC#6281450
CODILIS & ASSOCIATES, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
C & A FILE (14-09-07052)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

CARI R. CONKLIN

Case No. 09 B 30201

Chapter 7

DEBTOR(S),

Judge Kenneth J. Meyers

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certify that I served a copy of the attached Motion and Notice upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on March 5, 2009 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on March 5, 2009.

Donald M Samson, Interim Trustee, 226 W Main St, Suite 102, Belleville, IL 62220 by electronic notice through ECF

Cari R. Conklin, Debtor(s), 520 N. Vernon, Marine, IL 62061

William A Mueller, Attorney for Debtor(s), 5312 W Main, Belleville, IL 62226 by electronic notice through ECF

Office of U.S. Trustee, Becker Building, Room 1100, 401 Main, Peoria, IL 61602 by electronic notice through ECF

/s/ Peter C. Bastianen
Attorney for Creditor

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:

CARI R. CONKLIN

In Proceeding
Under Chapter 7

DEBTOR(S),

Case No. 09 B 30201

SUMMARY OF EXHIBITS

The following exhibit(s) pertain to the Motion for Relief from the Automatic Stay filed by GMAC MORTGAGE LLC on March 5, 2009:

1. Note / Mortgage.

/s/ Peter C. Bastianen

Berton J. Maley ARDC#6209399

Gloria C. Tsotsos ARDC# 6274279

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CODILIS & ASSOCIATES, P.C.

15W030 North Frontage Road, Suite 100

Burr Ridge, IL 60527

(630) 794-5300

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of all exhibits listed below, , were provided to all parties listed below by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on March 5, 2009.

Donald M Samson, Interim Trustee, 226 W Main St, Suite 102, Belleville, IL 62220 by electronic notice through ECF

Cari R. Conklin, Debtor(s), 520 N. Vernon, Marine, IL 62061

William A Mueller, Attorney for Debtor(s), 5312 W Main, Belleville, IL 62226 by electronic notice through ECF

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/s/ Peter C. Bastianen